

V. Claims 1, 7, 11, 13-14, 17-18, 20-21, 24, and 33 are said to be drawn to compounds and compositions of formula I, wherein  $R_A$  and  $R_B$  form a fused ring that is five-membered heterocyclic ring with a nitrogen ring member, classified in Class 548, subclass 400+;

VI. Claims 1, 7, 11, 13-14, 17-18, 20-21, 24, and 33 are said to be drawn to compounds and compositions of formula I, wherein  $R_A$  and  $R_B$  form a fused ring that is seven-membered heterocyclic ring with a nitrogen ring member, classified in Class 540, subclass various;

VII. Claims 25, 28-29, and 34-35 are said to be drawn to methods, wherein  $R_A$  and  $R_B$  are independently H, halogen, alkyl, alkenyl, alkoxy, alkylthio, and  $-N(R_3)_2$ , classified in Class 514;

VIII. Claims 25, 28-29, and 34-35 are said to be drawn to methods, wherein  $R_A$  and  $R_B$  form a fused aryl ring or 5-7-membered ring not containing a heteroatom, classified in Class 514;

IX. Claims 25, 28-29, and 34-35 are said to be drawn to methods, wherein  $R_A$  and  $R_B$  form a fused ring that is six-membered heterocyclic ring with one nitrogen, classified in Class 514;

X. Claims 25, 28-29, and 34-35 are said to be drawn to methods, wherein  $R_A$  and  $R_B$  form a fused ring that is a sulfur containing heterocyclic ring with no nitrogen ring members, classified in Class 514;

XI. Claims 25, 28-29, and 34-35 are said to be drawn to methods, wherein  $R_A$  and  $R_B$  form a fused ring that is five-membered heterocyclic ring with a nitrogen ring member, classified in Class 514;

XII. Claims 25, 28-29, and 34-35 are said to be drawn to methods, wherein  $R_A$  and  $R_B$  form a fused ring that is seven-membered heterocyclic ring with a nitrogen ring member, classified in Class 514.

#### Election

In response, Applicant elects Group II with traverse.

Reconsideration and withdrawal or modification of the restriction requirement is respectfully requested.

Claims 20, 21, and 33 can only be included in Group II, because in these claims  $R_A$  and  $R_B$  form a fused benzene ring.

Claims 29, 34, and 35 can only be included in Group VIII, because in these claims  $R_A$  and  $R_B$  form a fused benzene ring.

Applicants submit that the Groups I, II, III, IV, V, and VI claims are so interrelated that a search of one group of claims will reveal art to the other. For example, searching the structure of Formula I common to Groups I-VI will reveal art, if present, in any one of Groups I-VI. Moreover, the classification of Groups I-VI and claims associated therewith in different classes and subclasses is not necessarily sufficient grounds to require restriction.

Were restriction to be effected between the claims in Groups I, II, III, IV, V, and VI, a separate examination of the claims in Groups I, II, III, IV, V, and VI would require substantial duplication of work on the part of the U.S. Patent and Trademark Office. Even though some additional consideration would be necessary, the scope of analysis of novelty of all the claims of Groups I, II, III, IV, V, and VI would have to be as rigorous as when only the claims of Group II were being considered by themselves. Clearly, this duplication of effort would not be warranted where these claims of different categories are so interrelated. Further, Applicants submit that for restriction to be effected between the claims in Groups I, II, III, IV, V, and VI, it would place an undue burden by requiring payment of a separate filing fee for examination of the nonelected claims, as well as the added costs associated with prosecuting multiple applications and maintaining multiple patents.

The Examiner has further stated that Applicants are required under 35 U.S.C. § 121 to elect a single disclosed species. Applicants elect the species *N*-(2-{2-[4-amino-2-(2-methoxyethyl)-1*H*-imidazo[4,5-*c*]quinolin-1-yl]ethoxy}ethyl)hexadecanamide. This election is with traverse to the extent that it is understood that (a) the requirement will be withdrawn upon the finding of an allowable genus; and (b) any species withdrawn from consideration will be transferred to the elected subject matter unless it is found patentably distinct from the elected or allowed claims. Applicants traverse on the grounds that the generic claim includes sufficiently few species that a search and examination of all the species at one time would not impose a serious burden on the Examiner.

The Examiner has further required Applicant to identify those claims encompassing the elected species. Claims 1, 7, 11, 13-14, 17-18, 20-21, 24-25, 28-29, and 33-35 encompass the elected species.